

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WANDA WATSON, JESSICA MCCLAIN,  
STEPHEN MATEJOV, LEROY JACOBS,  
HAROLD MICHAEL, JENNIFER STEPHENS,  
and JANE DOE, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

KELLOGG SALES COMPANY,

Defendant.

Case No. 1:19-cv-1356-DLC

The Honorable Denise L. Cote

**NOTICE OF MOTION TO DISMISS  
PLAINTIFFS' FIRST AMENDED  
CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that the undersigned attorneys for Defendant Kellogg Sales Company hereby move, pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), and 12(b)(6), for an Order dismissing Plaintiffs' First Amended Class Action Complaint for failure to state a claim on which relief can be granted, failure to establish standing to seek injunctive relief, and failure to establish personal jurisdiction over the claims of non-resident class members.

Kellogg's motion is based on this Notice of Motion, the accompanying Memorandum of Law filed herewith, any reply or supplemental briefing, and any further evidence or argument (including oral argument) that the Court may invite Kellogg to present.

Respectfully submitted,

Dated: July 19, 2019

JENNER & BLOCK LLP

By: /s/ Dean N. Panos

Dean N. Panos (*pro hac vice*)

Elizabeth A. Edmondson (N.Y. Reg. 4705539)

Alexander M. Smith (*pro hac vice*)

Attorneys for Defendant  
Kellogg Sales Company

**CERTIFICATE OF SERVICE**

I, Dean N. Panos, an attorney, hereby certify that on this 19th day of July, 2019, I caused true and correct copies of the foregoing Notice of Motion to Dismiss and supporting documents to be served on the following individuals by Electronic Court Filing (ECF):

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*Attorney for Plaintiffs Wanda Watson et al.*

By: /s/ Dean N. Panos